

Waivers	First Name	Last Name	Claim Number
			W-18-0017
Amount	OGC Received Date	Assigned To	Assigned Date
\$252.80	03/30/2018	Redden, Kenneth	03/30/2018
EPA Decision	EPA Decision Date	Amount Approved	Status
APPROVED	12/16/2019	\$219.08	CLOSED
Appeal	Comments		
No	8-8-19 Re-assigning from Lucille to Ken		
Type			
Incorrect Step-New Position			

#### Attachments

From: Stewart, Leonice  
 Sent: Friday, March 30, 2018 8:09 AM  
 To: Redden, Kenneth <Redden.Kenneth@epa.gov>  
 Cc: Church, Stacey <Church.Stacey@epa.gov>; Luebbering, Gregory  
 <luebbering.gregory@epa.gov>  
 Subject: Waiver Request - [REDACTED]

Good morning. The following person has requested a waiver for an in-service debt. Please see attachment for supporting documents. Please contact us if more information is needed from our office in making your decision with the waiver request.

Name	SSN	Bill Number	
Amount			
[REDACTED]	[REDACTED]	M1801900001	\$252.80

INCLUDEPICTURE "cid:image001.jpg@01D3C82E.5A1060F0" \\* MERGEFORMATINET

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Leonice Stewart, Lead Accountant  
 OCFO/OC/ACAD/FCB  
 P (202) 564-4812  
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this in error, please contact the sender and delete the material from the computer.

From: Redden, Kenneth

Sent: Monday, December 16, 2019 12:41 PM

To: [REDACTED]

Cc: Sisson, Ann <Sisson.Ann@epa.gov>; Church, Stacey <Church.Stacey@epa.gov>; Stewart, Leonice <Stewart.Leonice@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Tammy Johnson <tammy\_johnson@ibc.doi.gov>

Subject: Waiver of Indebtedness Application (Debt ID #M1801900001)

[REDACTED]:

This email is in response to your Waiver/Remission of Indebtedness Application related to Debt ID #M1801900001 in the amount of \$252.80 dated March 27, 2018. For the reasons set forward below, your request for a waiver is granted in the amount of \$219.08.

#### Background

In April 2014, your Standard Form (SF) 50 indicates that you began a temporary promotion as a Supervisory Program Analyst at the GS-0343-15, step 2 pay level. At that time, the GS-15, step 2 pay level equated to total annual salary of \$129,161. This temporary promotion lasted until August 2014, when you were returned to your previous position as an Attorney-Advisor at the GS-0905-14, step 7 pay level which equated to a total annual salary of \$127,512 at that time. It was not until May 2015, that you were informed by your supervisor that there was a potential problem with you being given the temporary promotion. In a letter dated March 21, 2016, EPA's Human Resources Shared Service Center in Cincinnati explained that the temporary promotion action was processed due to an administrative oversight (no authority to process). You eventually received a Bill for Collection from the Interior Business Center (IBC) dated January 19, 2018, seeking payment in the amount of \$219.08. In response to the Bill for Collection, you timely submitted a Waiver/Remission of Indebtedness Application.

#### Analysis

Under 5 U.S.C. §5584, I have the authority to waive collection of erroneous payments or allowances, if collection would be against equity and good conscience and not in the best interest of the United States, provided there is no indication of fraud, fault, misrepresentation or lack of good faith on the part of the employee. Waiver is precluded if the employee is aware or should have been aware that he or she was being overpaid. B-271308, April 18, 1996.

In the present case, the record clearly indicates that the Agency was at fault for the administrative error at issue. Therefore, the

only issue before me is whether you knew or should have known that you received the temporary promotion and the associated salary increase in error. In my review of the documents of the record, I find that you neither knew nor reasonably could have known you were erroneously placed in the wrong retirement code.

As noted above, your SF 50 which effectuated your temporary promotion from [REDACTED] indicated that you would be receiving an increase in salary. I find it completely reasonable for you to rely upon this official documentation as evidence that your salary increase was valid. I also find that it would be against equity to hold you responsible to be held accountable for an administrative error that was not brought to your attention until over a year after it began.

Accordingly, all the criteria for waiver of this claim has been met, and this request for waiver is approved. However, I am not approving your request for waiver in the amount of \$252.80 as the amount sought in the IBC's Bill for Collection was only for \$219.08. Your waiver request is therefore granted in the amount of \$219.08.

By copy of this email, I am advising that OCFO should work with the Interior Business Center to waive repayment and to refund to you any money that was already paid by you toward this debt.